

NGĀTI HEI

and

THE TRUSTEES OF THE HEI O WHAREKAHO SETTLEMENT TRUST

and

THE CROWN

**SECOND DEED TO AMEND
NGĀTI HEI DEED OF SETTLEMENT**

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

THIS DEED is made on the 21st day of August 2026

BETWEEN

NGĀTI HEI

and

THE TRUSTEES OF THE HEI O WHAREKAHO SETTLEMENT TRUST

and

THE CROWN

BACKGROUND

General

- A. Ngāti Hei, the trustees of the Hei o Wharekaho Settlement Trust ("**trustees**") and the Crown are parties to:
- (a) a deed of settlement of historical claims dated 17 August 2017; and
 - (b) a deed to amend the deed of settlement dated 24 February 2023 ("**First Deed to Amend**")
- (together, the "**Deed of Settlement**")
- B. Ngāti Hei, the trustees and the Crown wish to enter into this deed to record amendments to the Deed of Settlement in accordance with paragraph 5.1 of the general matters schedule to the Deed of Settlement.

IT IS AGREED as follows:

1 EFFECTIVE DATE OF THIS DEED

- 1.1 This deed takes effect when it is properly executed by the parties to it.

2 DRAFT SETTLEMENT BILL

- 2.1 The parties agree that the Ngāti Hei Claims Settlement Bill - Amendment paper No 577 is the settlement bill for the purposes of the Deed of Settlement.
- 2.2 The Deed of Settlement is amended by changing references to sections and schedules of the draft settlement bill to references to the equivalent sections and schedules in the Ngāti Hei Claims Settlement Bill - Amendment paper No 577.

3 FURTHER AMENDMENTS TO THE DEED OF SETTLEMENT

- 3.1 The Deed of Settlement:
- 3.1.1 is amended by making the amendments set out in the schedule to this deed; and
 - 3.1.2 remains unchanged except to the extent provided by this deed.

4 DEFINITIONS AND INTERPRETATION

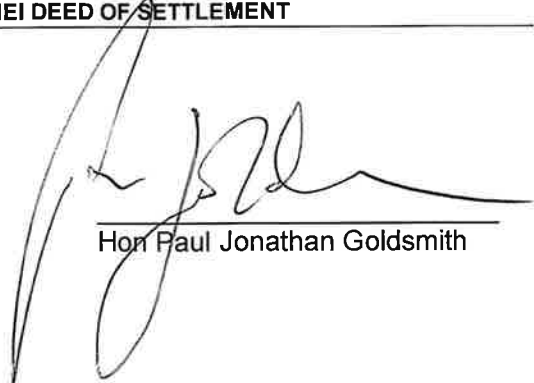
- 4.1 Unless the context otherwise requires:
- 4.1.1 terms or expressions defined in the Deed of Settlement have the same meanings in this deed; and
 - 4.1.2 the rules of interpretation in the Deed of Settlement apply (with all appropriate changes) to this deed.

5 COUNTERPARTS

- 5.1 This deed may be signed in counterparts which together shall constitute one agreement binding on the parties, notwithstanding that both parties are not signatories to the original or same counterpart.

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

SIGNED for and on behalf of **THE CROWN** by
the Minister for Treaty of Waitangi
Negotiations in the presence of –



Hon Paul Jonathan Goldsmith

WITNESS



Name: Laura Eirwen Jackson

Occupation: Advisor

Address: Wellington

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

SIGNED by the **TRUSTEES OF THE
HEI O WHAREKAHO SETTLEMENT TRUST**
as trustees of that trust and for and on
behalf of **NGĀTI HEI** in the presence of –

WITNESS



Signature



Matthew Tanui Fleet

Name: Rachel Nelson

Occupation: Community Health Worker

Address: 3/105 Pilkington Road, Panmure

WITNESS

Signature

Natasha Leone Jennings

Name:

Occupation:

Address:

WITNESS

Signature

Kelly Kaimanu Macpherson

Name:

Occupation:

Address:

WITNESS

Signature

Kevin Wayne Neal

Name:

Occupation:

Address:

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

**SIGNED by the TRUSTEES OF THE
HEI O WHAREKAHO SETTLEMENT TRUST**

as trustees of that trust and for and on
behalf of **NGĀTI HEI** in the presence of –

WITNESS

Signature

Matthew Tanui Fleet

Name:

Occupation:

Address:

WITNESS

Signature

Natašha Leone Jennings

Name:

Occupation:

Address:

WITNESS

Signature

Kelly Kaimanu Macpherson

Name:

Occupation:

Address:

WITNESS

Signature

Kevin Wayne Neal

Name:

Occupation:

Address:

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

SIGNED by the **TRUSTEES OF THE
HEI O WHAREKAHO SETTLEMENT TRUST**
as trustees of that trust and for and on
behalf of **NGĀTI HEI** in the presence of –

WITNESS

Signature

Matthew Tanui Fleet

Name:

Occupation:

Address:

WITNESS

Signature

Natasha Leone Jennings

Name:

Occupation:

Address:

WITNESS

Paula Williams
Signature

Kelly Kaimanu Macpherson
Kelly Kaimanu Macpherson

Name: *Paula Williams*

Occupation: *Project Manager*

Address: *81 Kaimarama Rd*

WITNESS

Signature

Kevin Wayne Neal

Name:

Occupation:

Address:

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

SIGNED by the **TRUSTEES OF THE
HEI O WHAREKAHO SETTLEMENT TRUST**
as trustees of that trust and for and on
behalf of **NGĀTI HEI** in the presence of –

WITNESS

Signature

Matthew Tanui Fleet

Name:

Occupation:

Address:

WITNESS

Signature

Natasha Leone Jennings

Name:

Occupation:

Address:

WITNESS

Signature

Kelly Kaimanu Macpherson

Name:

Occupation:

Address:

WITNESS

Signature

Kevin Wayne Neal

Name: **KEL HUTCHINSON**

Occupation: **RETIRED**

Address: **43A WALNUT ST
WYNNUM QLD 4178**

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

WITNESS

Signature

Name:

Occupation:

Address:

Meghna Manan Shah
Associate
Registered Legal Executive
Auckland
MS. DR.

Derrise Aroha Ratcliffe

SCHEDULE

AMENDMENTS TO THE DEED OF SETTLEMENT

Current reference ¹	Amendment
Deed of Settlement	
Clause 5.1.13	Insert "part of" before "Hot Water Beach Domain Recreation Reserve"
Clause 5.1.14	Insert "part of" before "Whitianga Rock Scenic and Historic Reserve"
Clause 5.6.1	Delete "on the settlement date" Insert the following new clause immediately after clause 5.6.1: "5.6.2 the vesting will occur on the later of: (a) the settlement date; (b) the settlement date under the Ngāti Maru settlement legislation; and" Renumber the following subclauses in clause 5.6 and any consequential cross references to those clauses accordingly
Clause 5.7.1	Delete "on the settlement date" Insert the following new clause immediately after clause 5.7.1: "5.7.2 the vesting will occur on the later of: (a) the settlement date; (b) the settlement date under the Te Patukirikiri settlement legislation; and" Renumber the following subclauses in clause 5.7 and any consequential cross references to those clauses accordingly

¹ As amended by the First Deed to Amend (where relevant).

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

Current reference¹	Amendment
Clause 5.8.2	Delete this clause and replace it with: “5.8.2 the vesting will occur on the latest of: (a) the settlement date: (b) the settlement date under the Hako settlement legislation: (c) the settlement date under the Ngaati Whanaunga settlement legislation: (d) the settlement date under the Ngāti Maru settlement legislation: (e) the settlement date under the Ngāti Porou ki Hauraki settlement legislation: (f) the settlement date under the Ngāti Tamaterā settlement legislation; and”
Clause 5.9 and all subclauses	Renumber clause 5.9 to clause 5.8A. Renumber all subclauses in clause 5.8A, and the following clauses in part 5, and any consequential cross references to those clauses accordingly
Clause 5.11.1	Insert immediately before clause 5.11.1 a new clause as follows: “5.11.1 Ahuahu / Great Mercury Island property:” Renumber the following subclauses in clause 5.11 and any consequential cross references to those clauses accordingly
Clause 5.12.1(a)	Insert immediately before clause 5.12.1(a) a new clause as follows: “5.12.1(a) Ahuahu / Great Mercury Island property:” Renumber the following subclauses in clause 5.12.1 and any consequential cross references to those clauses accordingly
Clause 5.16	Insert “the Ahuahu / Great Mercury Island property or,” before “Pauanui Tihi”

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Current reference¹	Amendment
Clause 5.24.1(d)	Replace clause 5.24.1(d) with: “(d) the trustees of the Ngaati Whanaunga Ruunanga Trust; and”
Clause 5.25.2	Replace clause 5.25.2 with: “5.25.2 the proposed date must not be later than one year after the latest of: (a) the settlement date: (i) the settlement date under the Ngaati Whanaunga settlement legislation: (ii) the settlement date under the Ngāti Maru settlement legislation: (iii) the settlement date under the Ngāti Tamaterā settlement legislation; and”
Clause 5.25.5(b)	Replace “settlement date” with “date referred to in clause 5.25.2”
Clause 6A.5.1	Immediately before clause 6A.5.1 insert a new clause as follows: “6A.5.1 the terms contained in clauses 6A.5 to 6A.20 take effect on the latest of: (a) the settlement date: (b) the settlement date under the Hako settlement legislation: (c) the settlement date under the Ngaati Whanaunga settlement legislation: (d) the settlement date under the Ngāti Maru settlement legislation: (e) the settlement date under the Ngāti Tamaterā settlement legislation; and” Renumber the following subclauses in clause 6A.5.1 and any consequential cross references to those clauses accordingly
Clause 6A.5.2	Replace “settlement date –” with “Ruamāhua vesting date; and”

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

Current reference¹	Amendment
Clause 6A.6.1	Insert “and part 2 of the property redress schedule” after “clauses 5.16 to 5.20”
Clause 6A.6.2	Replace “parts 1, 2 and 7” with “parts 1 and 7”
New clause 6A.6A	Insert immediately after clause 6A.6, the following new clause 6A.6A: “6A.6A In the provisions referred to in clauses 6A.6.1 and 6A.6.2, all references to governance entity, as they apply to Ruamāhua, are references to the descendants of Marutūāhu, Hako and Hei.”
Clause 6A.8	Replace “settlement date” with “Ruamāhua vesting date”
Clause 6A.16	Replace “settlement date” with “Ruamāhua vesting date”
Clause 6A.17	Replace “settlement date” with “Ruamāhua vesting date”
Clause 6A.21	Delete the definition of “ Ruamāhua ”
Clause 6A.21	Insert the following new definition immediately after the definition of “ Ruamāhua Iwi entities ”: “ Ruamāhua vesting date means the date that clauses 6A.5 to 6A.20 come into effect, in accordance with clause 6A.5.1”
Clause 7.3.1(a)	Insert “under the Ngāti Tamaterā settlement legislation” after “on the settlement date”
Clause 7.4.2	Replace “by or on the settlement date” with “by or on the settlement date under the Ngāti Tamaterā settlement legislation”

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

Current reference¹	Amendment
General matters schedule	
Paragraph 2.1	Replace paragraph 2.1 with: “2.1 The Crown must pay interest on the financial and commercial redress amount to the governance entity as follows: 2.1.1 in relation to the interest payable under paragraph 2.2 for the period beginning on the date referred to in paragraph 2.2.1(a) and ending on the date referred to in paragraph 2.2.2(b), on the settlement date; and 2.1.2 if the settlement date under the Ngāti Tamaterā settlement legislation occurs before the transfer referred to in paragraph 2.2.3(b)(ii) occurs, in relation to the interest payable under paragraph 2.2 for the period beginning on the date referred to in paragraph 2.2.3(a) and ending on the date referred to in paragraph 2.2.3(b)(i), on the settlement date under the Ngāti Tamaterā settlement legislation; or 2.1.3 if the transfer referred to in paragraph 2.2.3(b)(ii) occurs before the settlement date under the Ngāti Tamaterā settlement legislation occurs, in relation to the interest payable under paragraph 2.2 for the period beginning on the date referred to in paragraph 2.2.3(a) and ending on the date referred to in paragraph 2.2.3(b)(ii), on the day that the properties referred to in clause 8.3 are transferred pursuant to the Pare Hauraki Collective Redress Deed; and 2.1.4 if paragraph 2.1.2 applies, in relation to the interest payable under paragraph 2.2 for the period beginning on the date referred to in paragraph 2.2.4(a) and ending on the date referred to in paragraph 2.2.4(b), on day that the properties referred to in clause 8.3 are transferred pursuant to the Pare Hauraki Collective Redress Deed; or 2.1.5 if paragraph 2.1.3 applies, in relation to the interest payable under paragraph 2.2 for the period beginning on the date referred to in paragraph 2.2.5(a) and ending on the date referred to in paragraph 2.2.5(b), on the settlement date under the Ngāti Tamaterā settlement legislation.

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Current reference¹	Amendment
Paragraph 2.2.2(b)	Replace “properties referred to in clause 8.3 are transferred pursuant to the Pare Hauraki Collective Redress Deed” with “settlement date”
Paragraph 2.2.3	Replace paragraph 2.2.3 with: 2.2.3 on the amount of \$6,769,051.00 for the period – (a) beginning on the settlement date; and (b) ending on the earlier of: (i) the day before the settlement date under the Ngāti Tamaterā settlement legislation; and (ii) the day before the properties referred to in clause 8.3 are transferred pursuant to the Pare Hauraki Collective Redress Deed; and”
New paragraph 2.2.4	Insert a new paragraph 2.2.4 immediately after paragraph 2.2.3 as follows: “2.2.4 if the settlement date under the Ngāti Tamaterā settlement legislation occurs before the transfer referred to in paragraph 2.2.3(b)(ii) occurs, on the amount of \$2,094,051.00 for the period – (a) beginning on the settlement date under the Ngāti Tamaterā settlement legislation; and (b) ending on the day before the properties referred to in clause 8.3 are transferred pursuant to the Pare Hauraki Collective Redress Deed; or”
New paragraph 2.2.5	Insert new paragraph 2.2.5 immediately after paragraph 2.2.4 as follows: “2.2.5 if the transfer referred to in paragraph 2.2.3(b)(ii) occurs before the settlement date under the Ngāti Tamaterā settlement legislation occurs, on the amount of \$4,675,000.00 for the period - (a) beginning on the day the properties referred to in clause 8.3 are transferred pursuant to the Pare Hauraki Collective Redress Deed; and

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

Current reference¹	Amendment
	(b) ending on the day before the settlement date under the Ngāti Tamaterā settlement legislation.
Paragraph 4.6.2	Replace “Level 3” with “Level 2”
Part 6, paragraph 6.1	Delete the definition of “deferred selection period” and replace it with: “deferred selection period means – (a) in relation to the Tairua School site (land only), the period starting on the later of: (i) the settlement date; (ii) the settlement date under the Ngāti Maru settlement legislation; and (b) in relation to the Coroglen School site (land only), the period starting on the settlement date, and lasting for the period of time specified for each deferred selection property under the heading “Deferred selection period” in the tables set out in part 4 of the property redress schedule; and”
Part 6, paragraph 6.1	In the definition of “ land holding agency ”, in subparagraph (b) replace “Office for Māori Crown Relations – Te Arawhiti” with “Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau”
Part 6, paragraph 6.1	Insert the following new definition immediately after the definition of “Ngaati Whanaunga Ruunanga Trust”: “Ngaati Whanaunga settlement legislation means legislation that settles the historical claims of Ngaati Whanaunga; and”
Part 6, paragraph 6.1	Insert the following new definition immediately after the definition of “Ngāti Maru Rūnanga Trust”: “Ngāti Maru settlement legislation means legislation that settles the historical claims of Ngāti Maru; and”

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Part 6, paragraph 6.1	Insert the following new definition immediately after the definition of “Ngāti Tamaterā”: “Ngāti Tamaterā settlement legislation means legislation that settles the historical claims of Ngāti Tamaterā; and”
Part 6, paragraph 6.1	Insert the following new definition immediately after the definition of “resumptive memorial”: “Ruamāhua means all that group of islands and reefs known as the Aldermen Islands being 133.5463 hectares, more or less, as shown on SO 34773; and”
Part 6, paragraph 6.1	Insert the following new definition immediately after the definition of “te o a Hei”: “Te Patukirikiri means the iwi known as Te Patukirikiri; and”
Part 6, paragraph 6.1	Insert the following new definition immediately after the definition of “Te Patukirikiri”: “Te Patukirikiri Iwi Trust means the trust of that name established by a trust deed dated 24 October 2013; and”
Part 6, paragraph 6.1	Insert the following new definition immediately after the definition of “Te Patukirikiri Iwi Trust”: “Te Patukirikiri settlement legislation means legislation that settles the historical claims of Te Patukirikiri; and”
Part 6, paragraph 6.1	Delete the definition of “writing” and replace it with: “writing means representation in a visible form and on a tangible medium (such as print on paper) and includes communication by electronic means.”

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

Current reference¹	Amendment
Property redress schedule	
Paragraph 1.1.1	Insert "(or, from 1 January 2019, the Office of Māori Crown Relations – Te Arawhiti) after "Office of Treaty Settlements" Replace "March 2017" with "14 April 2022"
Paragraph 2.2	Delete paragraph 2.2 Renumber the following paragraphs in part 2 and any consequential cross references to those paragraphs
Paragraph 2.4	Replace "settlement date" with "date on which the property vests"
Part 3	In the land holding agency details replace "Ministry of Justice (Office of Treaty Settlements)" with "Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau"
Paragraph 5.6.1(b)(i)	Delete "Guideline 6.2 of" Replace "(July 2020)" with "current as at that date"
Paragraph 6.2.1(c)	Delete "on or by the settlement date"
Paragraph 6.5	Replace "paragraph 6.6" with "clause 7.4.2"
Paragraph 6.24.2	Insert "purchased" before "deferred selection property"
Paragraph 6.27	Insert "purchased" before "deferred selection property"
Paragraph 6.29.2	Insert "purchased" before "deferred selection property"
Paragraph 6.30.2	Insert "purchased" before "deferred selection property"

SECOND DEED TO AMEND NGĀTI HEI DEED OF SETTLEMENT

Current reference¹	Amendment		
Paragraph 7.2	Delete the entry and contact details for the Office of Māori Crown Relations – Te Arawhiti and replace them with: <table border="1" data-bbox="507 577 1431 824"> <tr> <td data-bbox="507 577 898 824"> “Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau </td><td data-bbox="903 577 1431 824"> Level 2, The Justice Centre 19 Aitken Street SX 10111 Wellington 6011 Email: contactus@whakatau.govt.nz </td></tr> </table>	“Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau	Level 2, The Justice Centre 19 Aitken Street SX 10111 Wellington 6011 Email: contactus@whakatau.govt.nz
“Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau	Level 2, The Justice Centre 19 Aitken Street SX 10111 Wellington 6011 Email: contactus@whakatau.govt.nz		
Paragraph 7.2	Delete the entry and contact details for LINZ (Treaty Settlements Landbank) and replace them with: <table border="1" data-bbox="507 1003 1431 1339"> <tr> <td data-bbox="507 1003 898 1339"> “LINZ (Treaty Settlements Landbank) </td><td data-bbox="903 1003 1431 1339"> Land Information New Zealand Wellington Office Level 7, 155 The Terrace PO Box 5501 Wellington 6145 Fax: +64 4 472 2244 Email: Treaty@linz.govt.nz </td></tr> </table>	“LINZ (Treaty Settlements Landbank)	Land Information New Zealand Wellington Office Level 7, 155 The Terrace PO Box 5501 Wellington 6145 Fax: +64 4 472 2244 Email: Treaty@linz.govt.nz
“LINZ (Treaty Settlements Landbank)	Land Information New Zealand Wellington Office Level 7, 155 The Terrace PO Box 5501 Wellington 6145 Fax: +64 4 472 2244 Email: Treaty@linz.govt.nz		
Paragraph 8.2	In the definition of “TSP settlement date”, in subparagraph (a) insert “under the Ngāti Tamaterā settlement legislation” after “the settlement date”		